

Amendment and Response

Applicant: Mark Haines et al.

Serial No.: 10/635,636

Filed: August 6, 2003

Docket No.: 200210233-1

Title: FILTER FOR PRINthead ASSEMBLY

REMARKS

The following Remarks are made in response to the Non-Final Office Action mailed August 30, 2005, in which claims 1-13 were rejected, and claims 14-44 were withdrawn from consideration as being directed to a non-elected invention. With this Amendment, claims 11 and 14-44 have been cancelled without prejudice, and claims 1 and 2 have been amended to clarify Applicant's invention. Claims 1-10, 12, and 13, therefore, remain pending in the application and are presented for reconsideration and allowance.

In the Specification

With this Amendment, Applicant has updated the "Cross-Reference to Related Applications" to provide the application serial number and filing date of the related application.

Election/Restriction

Applicant hereby affirms the election of the invention of Group I (claims 1-13).

With this Amendment, Applicant has cancelled non-elected claims 14-44 without prejudice to expedite the allowance of the remaining pending claims. Accordingly, Applicant reserves the right to pursue any of the cancelled non-elected claims in one or more continuing applications.

Claim Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1, 2, and 4-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirosawa et al. U.S. Patent No. 6,120,140. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirosawa et al. U.S. Patent No. 6,120,140 in view of Komplin et al. U.S. Patent No. 6,199,977.

With this Amendment, independent claim 1 has been amended to clarify that the filter includes "a frame having a first face and a second face opposite the first face, and an opening formed therein communicated with the first face and the second face," and includes "separate filter material provided on each the first face and the second face of the frame, and enclosing the opening of the frame."

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With respect to the Hirosawa and Komplin patents, neither of these patents, individually or in combination, teach or suggest a filter for a printhead assembly as claimed in independent claim 1.

In view of the above, Applicant submits that independent claim 1 is patentably distinct from the Hirosawa and Komplin patents and, therefore, is in a condition for allowance. Furthermore, as dependent claims 2-10 and 12-13 further define patentably distinct claim 1, Applicant submits that these dependent claims are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejections of claims 1, 2, and 4-13 under 35 U.S.C. 102(b) and claim 3 under 35 U.S.C. 103(a) be reconsidered and withdrawn and that claims 1-10, 12, and 13 be allowed.

Double Patenting Rejection

Claims 1-6, 11, and 12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, and 7-12 of copending Application Serial No. 10/635,409.

Concurrently with this Amendment, a terminal disclaimer in compliance with 37 CFR 1.321(c) has been filed to overcome the non-statutory double patenting rejection based on Application Serial No. 10/635,409.

In view of the above, Applicant submits that the non-statutory double patenting rejection of claims 1-6, 11, and 12 has been overcome. Applicant, therefore, respectfully requests that the rejection of claims 1-6, 11, and 12 under the judicially created doctrine of obviousness-type double patenting be reconsidered and withdrawn and that claims 1-6 and 12 be allowed. Applicant submits that the filing of this terminal disclaimer is to obviate the rejection based on non-statutory double patenting and is not an admission of the propriety of the rejection.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-10, 12, and 13 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Thomas A. Jolly at Telephone No. (541) 715-7331, Facsimile No. (541) 715-8581 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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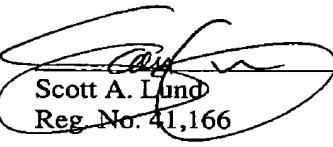
Respectfully submitted,

Mark Haines et al.,

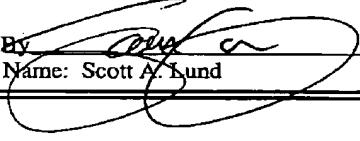
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 21ST day of November, 2005.


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